

TENNESSEE TITLE VI COMPLIANCE PROGRAM



REPORT TO GOVERNOR AND GENERAL ASSEMBLY
FY July 1, 2009 - June 30, 2010 and
FY July 1, 2010 - June 30, 2011

Issued by:

TENNESSEE HUMAN RIGHTS COMMISSION

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LETTER TO THE GOVERNOR AND GENERAL ASSEMBLY

September 22, 2011

The Honorable Bill Haslam
Governor State of Tennessee
Nashville, Tennessee 37243

Members of the General Assembly
State of Tennessee Legislative Plaza
Nashville, Tennessee 37243

Dear Governor Haslam and Members of the General Assembly:

Transmitted herewith is the Tennessee Title VI Compliance Program Annual Report. This report was prepared pursuant to the requirements of Section 4-21-203, *Tennessee Code Annotated* and covers the period of July 1, 2009 through June 30, 2011.

The Tennessee Human Rights Commission (Commission) is honored to be chosen as the central coordinating agency for Title VI compliance statewide. In our country's current climate of economic and fiscal challenges, compliance with federal laws and regulations is critical to maintaining necessary funding for programs and services throughout the state.

In November 2009, the Commission hired M.J. Thomas to manage this program. Since that time, Mr. Thomas has worked diligently to develop guidelines, policy, rules and provide technical assistance and training to Title VI personnel statewide. This report provides a summary of the services and accomplishments of the Title VI Compliance Program. We will continue to ensure that each executive branch department and agency promotes present and future compliance with Title VI requirements.

Thank you for the opportunity to serve.

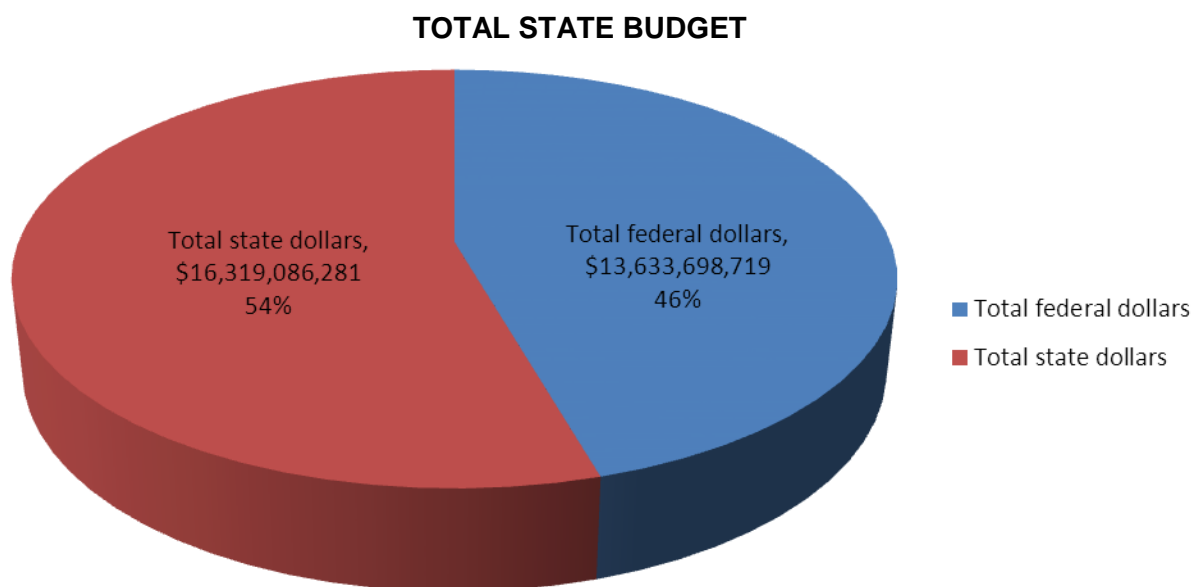
Sincerely,

Beverly L. Watts
Executive Director

I. INTRODUCTION

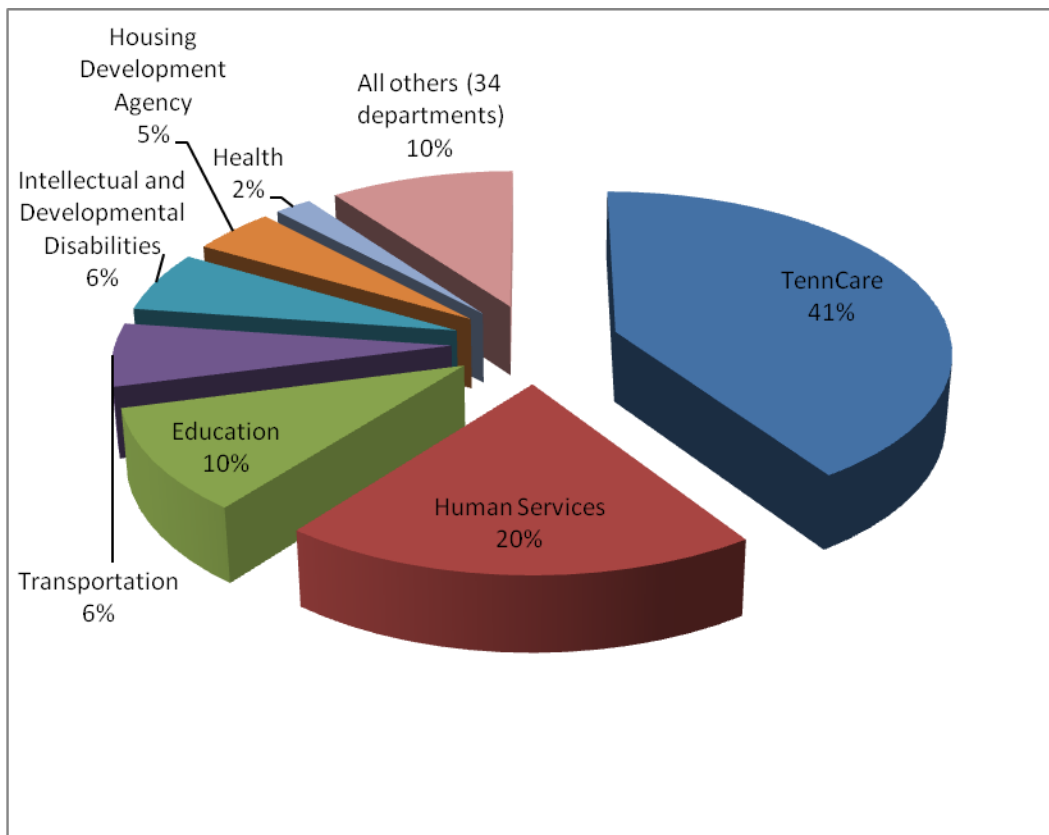
This two-year report covers Title VI Compliance Program activities during fiscal years (FY) July 1, 2009 - June 30, 2011 for compliance efforts and outcomes of each executive branch department and agency in the state of Tennessee. Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color or national origin under any program or activity receiving Federal financial assistance (FFA). Federal financial assistance includes the following: 1) an award, contract or grant of money; 2) loans, below fair market value or subsidies; and 3) training.

Title VI applies to any state department or agency that receives FFA. Examples of programs and activities covered by Title VI include food stamps, parks and recreation, child care, Medicaid, transportation, roads/highways and education. During FY July 1, 2009 - June 30, 2010, 41 executive branch departments reported the receipt of federal funds totaling \$13,633,698,719 which represents 46%, or almost half, of Tennessee's 2009-2010 state budget of \$29,952,785,000 as cited by the Department of Finance and Administration in "The Budget: Fiscal Year 2010-2011."



A comprehensive statewide compliance program prevents the risk of loss of federal funding due to discriminatory practices and is critical to maintaining high standards and ensuring continued compliance. Of the \$13.6 billion in federal funds, seven out of 41 departments account for 90% of FFA in Tennessee, respectively: TennCare - 40.6%; Human Services - 20%; Education - 10.4%; Transportation - 6.3%; Intellectual and Developmental Disabilities - 6.1%; Housing and Development Agency - 4.6%; Health - 2%. The remaining 34 departments account for 10% of total federal dollars received statewide.

TOP 7 DEPARTMENTS BASED ON AMOUNT OF FEDERAL DOLLARS RECEIVED



Department	Federal Dollars Rcvd'	Total % of Federal Dollars
TennCare	\$ 5,535,757,100.00	40.6%
Human Services	\$ 2,724,346,300.00	20.0%
Education	\$ 1,412,591,504.05	10.4%
Transportation	\$ 860,318,000.00	6.3%
DIDD	\$ 830,531,000.00	6.1%
THDA	\$ 621,765,243.00	4.6%
Health	\$ 276,678,019.00	2.0%
All others (34 departments)	\$ 1,371,711,553.08	10%
TOTAL	\$ 13,633,698,719.13	100%

A. History, Purpose and Scope

On August 9, 2002, Governor Don Sundquist issued Executive Order 34 which created the Title VI Compliance Commission. Executive Order 34 assigned the duties and responsibilities for Title VI monitoring to the 13-member Title VI Compliance Commission. Governor Sundquist appointed nine of the 13 members as required by the executive order. All of these appointments expired in October 2008 and remained unfilled.

On June 23, 2009, Governor Phil Bredesen signed legislation transferring the duties of the Title VI Compliance Commission to the Tennessee Human Rights Commission, effective July 1, 2009. This legislation grants the Commission the authority to verify that all state governmental entities comply with the requirements of Title VI. This responsibility includes the establishment and development of guidelines for a comprehensive statewide policy to ensure compliance by the executive branch of state government. Under State of Tennessee Public Acts, known as the Tennessee Human Rights Act (Tenn. Code Ann. §4-21-203), the duties of the Tennessee Human Rights Commission (Commission) include but are not limited to:

- reviewing current Title VI monitoring and enforcement procedures as reflected by federal and state statutes, rules, regulations, programs, services, and budgetary priorities;
- defining and establishing the components, guidelines, and objectives of a comprehensive state policy to ensure and promote present and future compliance with Title VI requirements;
- serving as the central coordinating agency for executive branch departments and agencies for technical assistance, consultation, and resources to encourage and assist compliance with the requirements of Title VI;
- auditing, reviewing, evaluating and reporting periodically on Title VI compliance efforts and outcomes for each executive branch department and agency;
- investigating allegations of noncompliance with Title VI; and,
- reporting annually to the Governor and the Tennessee General Assembly concerning the Commission's activities, findings, and recommendations.

Departments that receive FFA must provide the public with fair and equal access to all of its programs and activities in a nondiscriminatory manner.

B. Discriminatory Practices

Specific discriminatory actions are prohibited under Title VI. A department that is a recipient of federal funds may not, directly or through contractual or other arrangements, on the basis of race, color or national origin:

- Deny an individual any disposition, service, financial aid, or benefit provided under the program;

- Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- Subject an individual to segregation or separate treatment in any matter related to the receipt of any disposition, service, financial aid, or benefit under the program;
- Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;
- Treat an individual differently from others in determining whether such person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program;
- Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford such person an opportunity to do so which is different from that afforded others under the program; or,
- Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

II. GOALS, OBJECTIVES & ACCOMPLISHMENTS

The goals and objectives of the Commission included the tasks of initially identifying a director for the Title VI Compliance Program, rulemaking, training and policy development. The Commission hired a director in November 2009 to carry out the duties and responsibilities of the Title VI Compliance Program. The next step was to develop rules and guidelines to establish a uniform approach that would assist executive branch departments in creating and maintaining effective compliance programs. This objective would be accomplished through the Department of State's rulemaking hearing process.

During the first year, the Commission created and developed proposed state rules and regulations by filing the Notice of Rulemaking Hearing with the Department of State and holding three public rulemaking hearings across the state in Nashville, Knoxville and Jackson for public review and comment. The Commission appeared before the Tennessee General Assembly Government Operations Committee on January 24, 2011 concerning the proposed rules for the Title VI Compliance Program. The Government Operations Committee unanimously voted for Title VI Compliance Program Rules passage and granted an effective date of February 13, 2011.

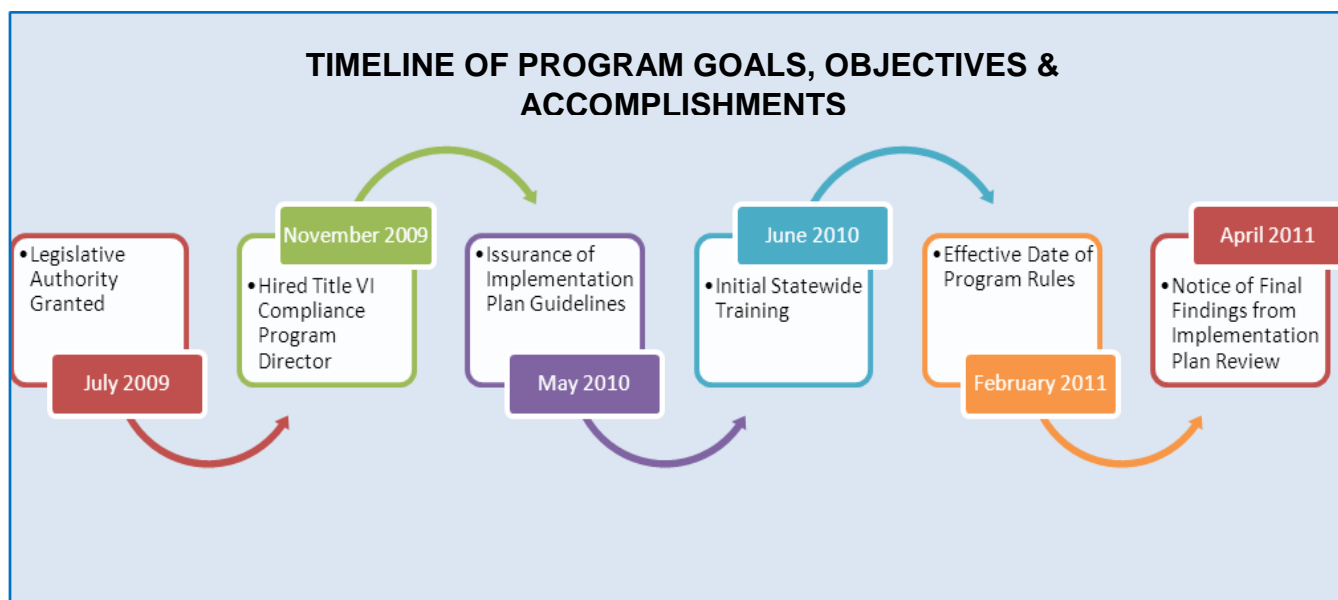
A major component of the Title VI Compliance Program involves implementation plan review. The Commission conducted training on June 15, 2010 for 36 departments' Title VI personnel concerning the duties and responsibilities of the Title VI Compliance Program, implementation plan guidelines and the obligation of executive branch departments to submit implementation plans to the Commission by October 1 annually. As a result of the training, the Commission held a conference call on August 17, 2010 for 27 departments' Title VI personnel. This conference call clarified any remaining

issues and concerns from the June 2010 training and included responses to pre-submitted and on-call questions regarding overall compliance and inquiries related to the implementation plan guidelines.

The Commission received and reviewed 41 implementation plans from departments statewide. The review analyzed several areas of compliance, to include whether departments train staff on Title VI, Limited English Proficiency (LEP) policies and procedures, data collection and the monitoring of subrecipients. Implementation plans were forwarded back to the departments for revision after an initial review and comment phase. Upon completion of the implementation plan review process, the Commission issued a "Notice of Final Findings" to 41 departments. Findings and outcomes from the review are included in Section IV of this report.

The Commission has continued to accomplish its goals of providing ongoing policy guidance concerning compliance during the second year of the program. In addition to the implementation plan review, the Commission has established a process to monitor and provide guidance on the content of written correspondence to complainants when complaints are filed with the Commission and referred to another state department. The Commission has developed statewide policy guidance for executive branch departments on the following topics:

- Implementation Plan Guidelines to ensure that each department submits a plan that meets compliance standards;
- Title VI prohibition against national origin discrimination affecting Limited English Proficient (LEP) persons, to include a sample LEP policy for internal use and modification where applicable; and,
- Training of departmental staff on Title VI, to include "Required Topics for Training Under Title VI."



III. COMPLAINTS

Any person alleging discrimination on the basis of race, color or national origin under any program or activity receiving FFA must be filed within 180 days of the alleged discriminatory conduct. Complaints may be filed either with the Commission or directly with the department, or its subrecipient, that is responsible for the alleged discriminatory conduct. Any person may file a complaint directly with the federal department or agency that provides funding to any state department in Tennessee.

A. Complaints Received by the Commission: July 1, 2009 – June 30, 2011

During the period covering July 1, 2009 - June 30, 2011, the Title VI Compliance Program received 531 inquiries; 119 of the 531 inquiries were filed as complaints; 55 complaints were closed; and 64 complaints remained open. These 119 complaints were referred to 13 departments and agencies. Complaints ranged from allegations of discriminatory practices by state employees to the denial of services under specific, federally funded programs and activities.

Complaints that may be jurisdictional under Title VI are typically referred to the executive branch department that administers the program or activity referenced in the complaint. All departments must inform the Commission of whether a referral is opened for investigation, provide status reports and copy the Commission on correspondence to complainants related to complaint closure.

The Commission will not consider a complaint that is referred to another department as closed until it receives written notification from the department that the complaint has been resolved. The average open/closed charge age is based on the number of days that complaints have remained open and the number of days from receipt of complaint to the date of written notification of closure by the investigating department. Complaints that are not covered under Title VI are forwarded to the relevant department for review and action where appropriate.

Complaints Received by the Commission July 1, 2009 - June 30, 2011				
Total Inquires Received	Total Complaints Filed & Referred	Total Cases Closed	Total Inventory of Cases	Average Open/Closed Charge Age
531	119	55	64	250/195

There were 119 complaints received and referred by the Commission to 13 state departments and agencies.

Breakdown of Complaints Received & Referred July 1, 2009 – June 30, 2011			
Departments	Complaints Filed	Total Cases Closed	Total Inventory of Cases
Administrative Office of the Courts	1	0	1
Agriculture	1	0	1
Board of Regents	2	2	0
Children's Services	2	2	0
Commerce & Insurance	1	0	1
Correction	93	33	60
Economic & Community Development	1	1	0
Education	3	2	1
Labor & Workforce Development	3	3	0
Housing and Development Agency	3	3	0
Human Services	4	4	0
TennCare	3	3	0
Transportation	2	2	0
Total	119	55	64

B. Complaints Received by Other Departments: July 1, 2009-June 30, 2010

The total number of complaints received by departments statewide is determined by the data reported in each department's implementation plan. According to the data provided in the implementation plans, individuals filed complaints with 11 out of 41 or 27% of the departments receiving federal funds. During the reporting period of July 1, 2009 - June 30, 2010, these eleven departments accounted for a total of 102 complaints that were received statewide; 66 complaints were closed; 36 complaints remained open.

Complaints received directly by state departments and reported in their implementation plans: July 1, 2009 - June 30, 2010			
Departments	Total Number of Title VI Complaints Filed	Complaints Closed	Total Inventory of Cases
Correction	55	19	36
Education	12	12	0
Human Services	12	12	0
Board of Regents	7	7	0
Children's Services	1	1	0
Labor and Workforce Development	2	2	0
Mental Health	3	3	0
DIDD	4	4	0
Health	4	4	0
THDA	1	1	0
Transportation	1	1	0
Total Complaints Received Statewide	102	66	36

IV. IMPLEMENTATION PLANS

The Commission is responsible for the development of an implementation plan to be utilized by state governmental entities subject to the requirements of Title VI. During July 1, 2009 - June 30, 2010, the Title VI Compliance Program developed the "Title VI Implementation Plan Guidelines" to establish a uniform standard for annual reporting by various departments and agencies. A department's implementation plan must consist of the following sections: an overview; a description of the federal programs or activities; the organization of the Civil Rights Office and duties of the Civil Rights Coordinator; data collection and analysis, including total number of complaints received; definitions; discriminatory practices; Limited English Proficiency (LEP); complaint procedures; compliance review of subrecipients; compliance/noncompliance reporting; Title VI training plan; public notice and outreach; evaluation procedures of Title VI implementation; and responsible officials.

A total of 41 implementation plans were referred by the Commission. Based on the review, six of 41 plans were untimely or received after the October 1 due date. The following 20 out of 41 departments listed below, or 49%, were found to be in compliance with the guidelines and requirements. Of these 20 plans, two were untimely, but had no other significant issues nor raised other concerns with respect to compliance.

In Compliance

Alcoholic Beverage Commission	Department of Labor and Workforce Development
Arts Commission	Department of Mental Health
Board of Probation and Parole	Department of State
Bureau of TennCare	Department of Transportation
Department of Children's Services	Department of Veterans Affairs
Department of Education	Higher Education Commission
Department of General Services	Housing Development Agency
Department of Health	Human Rights Commission (untimely receipt)
Department of Human Services	State Museum
Department of Intellectual and Developmental Disabilities	Department of Treasury (untimely receipt)

Findings were issued to 21 of 41 departments, or 51%. There were two departments that received three findings; seven departments that received two findings; and 12 departments that received one finding. Please refer to Appendix 1 for a summary of the 2010 Implementation Plan Review Findings.

The following is an overview of the findings for each department that was cited as non-compliant. Each department is followed by the date that the Commission received the plan, whether the submission was timely or untimely filed, the Commission's finding(s), and the departmental response and Commission's response, where applicable, to the relevant guideline item.

Non-compliance with 3 Findings

Administrative Office of the Courts

10/1/2010 - Timely

Findings:

1. **No data collection and analysis**
2. **No compliance review process for monitoring subrecipients/contractors**
3. **Did not train departmental staff on Title VI**

Departmental Response:

"During the 2010-2011 fiscal year the Administrative Office of the Courts will develop and implement a data system to enable monitoring of racial and ethnic data."

"It is our intent to develop and implement a self-survey to be completed by all subrecipients and/or contractors annually beginning with the initiation of new grant money in October 2010."

"The Administrative Office of the Courts provided training on 'Workplace Harassment' on October 27, 2010. Additional workshops will be scheduled quarterly or more often if new staff is added to the agency."

Wildlife Resources Agency

9/29/2010 - Timely

Findings:

1. **No data collection and analysis**
2. **No compliance review process for monitoring contractors/grantees**
3. **No LEP policy and/or procedure for employees**

Departmental Response:

"TWRA does not collect participation data by race, color, and national origin."

"TWRA does not monitor the civil rights compliance of its contractors."

"TWRA has now joined the contract with World Wide Interpreters to provide language interpreter services. We have an Agency PIN number and the information has been distributed throughout our Agency statewide. Information distributed to the Director's staff (about 20 senior level employees) with instructions to copy and distribute as needed. Radio dispatchers were instructed to keep the information handy so that any field personnel that need to use the service (for example, during an enforcement investigation) can radio in for the phone number and PIN number."

Non-compliance with 2 Findings

Board of Regents

10/27/10 - Untimely

Findings:

1. **No LEP policy and/or procedure for employees**
2. **Complaint procedures (noncompliance)**

Departmental Response:

"The Tennessee Board of Regents does have an LEP policy. It is entitled, "Admission & Delivery of Services to International Students & for the Employment & Delivery of Services to International Faculty & Academic Staff at TBR Institutions."

The Commission's Response - The Tennessee Board of Regents' LEP policy is not a comprehensive policy, but is limited to accommodations for students, faculty or academic staff. The Tennessee Human Rights Commission contends that an LEP policy should cover the public, to include potential and current students, faculty and academic staff.

Departmental Response:

"The TBR intends to modify the TBR Title VI complaint procedure, which is contained in TBR Guideline P-080, to inform persons that a complaint may be filed within 180 days of the last alleged discriminatory conduct or retaliatory event. The next approval cycle for guidelines, pursuant to TBR Policy, is May 2011. It is anticipated that this proposed change will be submitted to the appropriate internal TBR decision-making bodies for approval at that time."

Department of Agriculture

10/14/2010 - Untimely

Findings:

1. **No compliance review process for monitoring subrecipients/contractors**
2. **Did not train departmental staff on Title VI**

Departmental Response

"The department will review any deficient area, and design and implement a compliance strategy. The anticipated date for a draft of the compliance strategy will be April 1, 2011."

The department is currently establishing a Title VI training program. Proposed dates for future training programs are TBD, but expected to begin January 2011.

Department of Economic and Community Development

9/29/2010 - Timely

Findings:

1. **No LEP policy and/or procedure for employees**
2. **Responsible officials section not signed by the Department Head**

Departmental Response:

"The department's Limited English Proficiency (LEP) policy and procedure and its response to challenges and/or barriers is as follows;

The department does business with several foreign countries; Germany, China, Japan, Mexico, to name a few. ECD utilizes translators and interpreters from the Tennessee Foreign Language Institute (TFLI) as the need dictates. In the future, brochures and pamphlets, outlining LEP departmental procedures, will be made available to departmental staff and public, as well as posted on the agency's website. Contact information for the Tennessee Foreign Language Institute will also be provided and any other foreign language assistance programs, utilized by the agency, will be listed. This effort will be completed mid- June 2011."

"The omission of the responsible official signature was an oversight. In the future all ECD's Title VI Compliance/Implementation Plans will be signed by the Department Head."

Department of Environment and Conservation

9/28/2010 - Timely

Findings:

1. **No data collection and analysis**
2. **Did not train departmental staff on Title VI**

Departmental Response:

"The Department of Environment and Conservation's implementation plan includes racial demographics of Tennessee.

"Title VI training was not held during the most recent state fiscal year. Providing Title VI training will be given greater priority throughout the current fiscal year. TDEC Title VI training will be held on the following dates: April 13, 2011, May 10, 2011 and June 7, 2011."

District Public Defenders Conference

9/30/2010 - Timely

Findings:

1. **No data collection and analysis**
2. **No LEP policy and/or procedure for employees**

Departmental Response:

"Presently the Administrative Office of the Courts provides data regarding race of clients assigned to the District Public Defenders by the Circuit Court judge."

"It is very seldom if an LEP client calls the Public Defender office in need of assistance, as they are provided a certified court interpreter through the court system. In the instance where an LEP client does call to speak to an attorney, there has either been someone in the office who could speak/interpret for the client, or the client has a relative that speaks English to call for the client. Most of our LEP clients are Hispanic, but we also have clients that speak other dialects, such as Kurd, Vietnamese, Arabic, etc."

Military Department

9/30/2010 - Timely

Findings:

1. **No data collection and analysis**

2. Did not train departmental staff on Title VI

Departmental Response:

"[W]ith the current staffing and budget constraints, these goals cannot be met. A system will be developed as additional funding becomes available."

"Due to limited resources and staff, comprehensive training has not been made available. To create Title VI awareness within the Military Department, the Public Notice poster will be distributed to each departmental office and will be posted and easily accessible."

State Veterans' Homes Board

10/1/2010 - Timely

Findings:

- 1. No LEP policy and/or procedure for employees**
- 2. Complaint procedures (noncompliance)**

Departmental Response:

"At this time Tennessee State Veterans' Homes Board does not have an LEP policy or utilize a translator or interpreter due to the fact that the organization serves United States Veterans, all of whom speak English fluently. The vendors used by the organization also have employees that primarily speak English or have employees within their company tasked with communication or translation if necessary."

"According to federal regulations, a federal complaint must be filed no later than 180 calendar days after the alleged discrimination occurred. To allow a complainant time to file sequential complaints internally (with the Board) and externally if they choose, the complaint should be filed no later than 30 calendar days after the alleged discrimination occurred and the Board should proceed promptly in considering appeals."

Non-compliance with 1 Finding

Bureau of Investigation

9/30/2010 - Timely

Finding:

- No data collection and analysis for any federally funded programs**

Departmental Response:

"[The following addresses the sorting of TBI investigative work by race, color, or national origin of the victim or subject.] "No mechanism exists for sorting TBI investigative work by race, color, or national origin of the victim or subject. Furthermore, TBI investigative records are confidential by statute (TCA 10-7-504(a)(2)), so even if such statistics were available, the Bureau would be precluded by law from disseminating that information in any general way."

Commission on Aging and Disability

10/1/2010 - Timely

Finding:

- Did not train departmental staff on Title VI**

Departmental Response:

"Tennessee Commission on Aging and Disability scheduled a Title VI training for April 7, 2011, at 10:00 AM."

Commission on Children and Youth

9/29/2010 - Timely

Finding:

- No LEP policy and/or procedure for employees**

Departmental Response:

"TCCY does not utilize translator or interpreter services due to the fact that we do not provide direct services to community participants. We do not work with children or families directly. However, TCCY requires all sub-grantees to provide cultural competent services to participants and where possible, LEP services to program participants."

Department of Commerce and Insurance

10/1/2010 - Timely

Finding:

- **Did not train departmental staff on Title VI**

Departmental Response:

"Historically, the Department has not conducted specific Title VI training for staff and contractors. All employees of the Department are required to read and sign the Department's Workplace Harassment Policy which prohibits harassment of any employee, applicant for employment, or third party on the basis of an individual's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, or disability. The Title VI Implementation Plan is distributed to all Division heads within the Department."

Department of Correction

10/29/2010 - Untimely

Finding:

- **Implementation plan not submitted in the format as set forth in the guidelines**

No Departmental Response

Department of Finance and Administration

9/30/2010 - Timely

Finding:

- **No LEP policy and/or procedure for employees**

Departmental Response:

"The Department plans to develop and implement a strategy to manage contact with citizens of limited English proficiency."

Department of Revenue

9/7/2010 - Timely

Finding:

- **Did not train departmental staff on Title VI**

Departmental Response:

"No specific Title VI training has been conducted with Revenue employees to date. However, as of March 2011, an overview of Title VI as well as practical information relating to the daily functions of all Department of Revenue employees has been developed for use during the department's new employee orientation. Data related to the implementation of this information will be included in the department's next Plan."

Department of Safety and Homeland Security

10/1/2010 - Timely

Finding:

- **No LEP policy and/or procedure for employees**

Departmental Response:

"In the upcoming fiscal year, the department plans to develop an LEP policy (General Order), which will outline specific policies for all employees. This policy will explain how to access language translation vendor and give more detailed information for each program. Due to the time involved in getting new General Orders approved, this policy will not be available until sometime in 2011."

District Attorneys General Conference

9/27/2010 - Timely

Finding:

- **No data collection and analysis**

Departmental Response:

Any federal grants received would have to do with the prosecution of criminal cases (drug prosecution or DUI prosecution). The race of the defendant or racial/ethnic breakdown of the population within areas is not a factor that is or can be considered in the prosecution of these matters. To do so would be a violation of equal protection clause of the constitution.

Regulatory Authority

10/1/2010 - Timely

Finding:

- **Did not train departmental staff on Title VI**

Departmental Response:

"No specific Title VI training has been conducted with Revenue employees to date. However, as of March 2011, an overview of Title VI as well as practical information relating to the daily functions of all Department of Revenue employees has been developed for use during the department's new employee orientation. Data related to the implementation of this information will be included in the department's next Plan."

Student Assistance Corporation

10/1/2010 - Timely

Finding:

- **Did not train departmental staff on Title VI**

Departmental Response:

Each department head at TSAC will receive ongoing information and training on Title VI developments and requirements.

- *TSAC will actively participate in Title VI training.*
- *The Compliance Administrator will provide appropriate training to TSAC staff.*
- *The Compliance Administrator and designated personnel will attend civil rights training and seminars as available.*
- *Each orientation package for new employees will contain a copy of the TSAC Equal Employment Opportunity Policy Statement. (APPENDIX C.11.1)*
- *New employees, workshop participants, and contracting agents shall receive a fact sheet containing information about Title VI.*
- *No formal training programs were provided to personnel in FY10.*

University of Tennessee

9/28/2010 - Timely

Finding:

- **Implementation plan not submitted in format as set forth in the guidelines**

Finding disputed.

V. LAWSUIT FILED

For FY July 1, 2009 - June 30, 2010, one lawsuit was filed against the Department of Human Services on February 4, 2010 in the United States District Court for the Middle District of Tennessee alleging causes of action based on race under Title VI. Jonina M. Abron-Ervin, et al. v. Gina Lodge, Commissioner of the Tennessee Department of Human Services, et al., (Docket No.3:10mc14). Plaintiffs alleged that the defendant, Tennessee Department of Human Services, denied them equal participation in the Tennessee Supplemental Nutrition Assistance Program (SNAP)/Food Stamp program by considering Plaintiffs' retirement income as a countable asset. On May 26, 2011, this case was dismissed by order of the court because the record reflected a similar claim already filed in Chancery Court by Plaintiff at the time of the federal lawsuit filing; therefore, Plaintiffs can pursue any federal claims in the state court action.